

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRAND DESIGN COMPANY, INC. d/b/a
HOUSE INDUSTRIES,
Plaintiff,

v.

RITE AID CORPORATION, SWAY
CREATIVE LABS, LLC, GA
COMMUNICATIONS, INC., d/b/a
PURERED CREATIVE, LLC, and BURNS
GROUP, NYC, LLC,
Defendants.

CIVIL ACTION

NO. 22-1174

ORDER

AND NOW, this 18th day of March, 2024:

1. Upon consideration of Plaintiff's Motions for Partial Summary Judgment (ECF Nos. 141, 142, 143), Defendants' responses (ECF No. 162, 172, 176), and Plaintiff's replies (ECF No. 170, 188, 189), **IT IS HEREBY ORDERED** that the Motions are **DENIED**.
2. Upon consideration of Defendant Sway's Motion for Summary Judgment (ECF No. 138), Plaintiff's response (ECF No. 173), and Defendant's reply (ECF No. 190), **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**. Specifically:
 - a. The Motion is **GRANTED** as to Plaintiff's claim for unjust enrichment, which is **DISMISSED WITH PREJUDICE**.
 - b. The Motion is **DENIED** in all other respects.
3. Upon consideration of Defendant PureRED's Motion for Summary Judgment (ECF No. 214), Plaintiff's response (ECF No. 219), and Defendant's reply (ECF No. 223), **IT IS**

HEREBY ORDERED that the Motion is **GRANTED IN PART** and **DENIED IN PART**. Specifically:

- a. The Motion is **GRANTED** as to Plaintiff's claim for unjust enrichment, which is **DISMISSED WITH PREJUDICE**.
 - b. The Motion is **DENIED** in all other respects.
4. Upon consideration of Plaintiff's unopposed Motions to Seal (ECF Nos. 158, 198, 222, 228), **IT IS HEREBY ORDERED** that the Motions are **GRANTED**.
5. Upon consideration of Defendant PureRED's unopposed Motion to Seal (ECF No. 228), **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**. Specifically:
- a. The Motion is **GRANTED** with insofar as it seeks to seal filings related to PureRED's mooted summary judgment briefing (ECF Nos. 146, 149, 174, 175, 179, 180, 192, 201, 202).
 - b. The Motion is **DENIED** in all other respects.
6. ECF Nos. 191 and 200 are **DENIED AS MOOT**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.